

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EVERYTOWN FOR GUN SAFETY	:	
SUPPORT FUND, et al.,	:	No. 1:21-cv-00376-ALC
	:	
Plaintiffs,	:	
	:	DECLARATION OF
v.	:	AARON ESTY
	:	IN SUPPORT OF PLAINTIFFS'
	:	MOTION FOR SUMMARY
BUREAU OF ALCOHOL, TOBACCO,	:	JUDGMENT
FIREARMS AND EXPLOSIVES, et al.,	:	
	:	
Defendants.	:	
-----X	:	

I, AARON ESTY, declare under penalty of perjury as prescribed in 28 U.S.C. § 1746 as follows:

1. I am over the age of 18 and have personal knowledge of the facts stated in this declaration except where otherwise noted.

2. I am counsel for with Everytown Law and counsel of record for plaintiffs Everytown for Gun Safety Support Fund and City of Kansas City, Missouri.

3. Attached as Exhibit 1 is a true and correct copy of a document titled *Ring of Fire: The Handgun Makers of Southern California*, which I downloaded from the website of the University of California Davis Health on July 30, 2021, from this URL: <https://health.ucdavis.edu/vprp/pdf/RingofFire1994.pdf>.

4. Attached is Exhibit 2 is a true and correct copy of a press release on the United States Department of Justice ("DOJ") website titled *Owner of B.L. Jennings And Bryco Firearms*

Sentenced To More than 10 Years On Federal Child Pornography Charges, which I downloaded on July 30, 2021, from this URL: <https://www.justice.gov/usao-mdfl/pr/owner-bl-jennings-and-bryco-firearms-sentenced-more-10-years-federal-child-pornography>.

5. On August 4, 2021, I visited the electronic docket on PACER for the bankruptcy proceeding captioned *In re: Bryco Arms*, No. 03-BK-04928-JAF (M.D. Fla.) which lists docket entries showing that the debtor, Bryco Arms, petitioned for bankruptcy on May 14, 2003. I downloaded the docket page as displayed on PACER. That downloaded docket consisted of 165 pages. Attached as Exhibit 3 is a true and correct copy of the first two pages of that docket.

6. Attached as Exhibit 4 is a true and correct copy of the Second Amended Complaint for Declaratory Relief filed in *Jennings v. Mukasey, et al.*, No. 08-CV-00833 (M.D. Fla. Aug. 15, 2008), which I downloaded from PACER on July 30, 2021.

7. Attached as Exhibit 5 is a true and correct copy of the Answer filed in *Jennings v. Mukasey, et al.*, No. 08-CV-00833 (M.D. Fla. Oct. 3, 2008), which I downloaded from PACER on July 30, 2021.

8. Attached as Exhibit 6 is a true and correct copy of a filing titled Defendant Paul Jimenez's Answer to Plaintiff's Complaint; Counter Complaint Against Plaintiff Kimberly K. Jennings; Cross-Complaint Against Gary Genske and Jimenez Arms, Inc.; and Third-Party Complaint Against Shining Star Investments, LLC, and Janice Jennings in Case No. A-16-730674-B filed in District Court, Clark County, Nevada, which I downloaded from the website of the Eighth Judicial District Court Portal on August 4, 2021.

9. Attached as Exhibit 7 is a true and correct copy of a filing titled Defendant Paul Jimenez's Motion to Dismiss Plaintiff's Derivative Complaint Against Jimenez Arms, Inc. and to Dismiss Plaintiff's Allegations of Fraud and Constructive Fraud by Defendant Paul Jimenez in

Case No. A-16-730674-B filed in District Court, Clark County, Nevada, which I downloaded from the website of the Eighth Judicial District Court Portal on August 4, 2021.

10. Attached as Exhibit 8 is a true and correct copy of the Voluntary Petition for Non-Individuals Filing for Bankruptcy filed in *In re: Jimenez Arms, Inc.*, No. 20-BK-10752-ABL (D. Nev. Feb. 10, 2020) which I downloaded from PACER on August 4, 2021.

11. Attached as Exhibit 9 is a true and correct copy of a press release on the DOJ website titled *Former KC Fire Captain Pleads Guilty to Illegally Selling Firearms to Felons*, which I downloaded on July 30, 2021, from this URL: <https://www.justice.gov/usao-wdmo/pr/former-kc-fire-captain-pleads-guilty-illegally-selling-firearms-felons>.

12. Attached as Exhibit 10 is a true and correct copy of the Affidavit for Criminal Complaint filed in *United States v. Samuels*, No. 18-CR-00309 (W.D. Mo. Oct. 1, 2018), which I downloaded from PACER on July 30, 2021.

13. Attached as Exhibit 11 is a true and correct copy of the Plea Agreement filed in *United States v. Samuels*, No. 18-CR-00309 (W.D. Mo. Aug. 31, 2020), which I downloaded from PACER on July 30, 2021.

14. On July 30, 2021, I visited archive.org—a “digital library” with “20+ years of web history,” see <https://archive.org/about/>—and downloaded a webpage at the URL <https://web.archive.org/web/20200924180505/http://www.kmmunitions.com/jimenez.html>, a true and correct copy of which is attached as Exhibit 12. The webpage represents a copy of the website of Keel Mountain Munitions LLC as the site appeared on September 24, 2020. On that date, I had visited <http://kmmunitions.com/jimenez.html> and saved the URL to archive.org.

15. Attached as Exhibits 13 and 14 are documents excerpted from 335 pages of documents I received in pdf format from ATF on August 13, 2019, in response to a Freedom of

Information Act request that I had submitted to ATF on November 16, 2018. The document attached as Exhibit 13 represents a true and correct copy of pages 4 through 8 of the pages that were produced. The document attached as Exhibit 14 represents a true and correct copy of pages 249 through 250 of the pages that were produced after the cover letter.

16. Attached as Exhibit 15 is a document excerpted from 65 pages of documents I received in pdf format from ATF on September 29, 2020, in response to a Freedom of Information Act request I had submitted to ATF on August 18, 2020. The document attached as Exhibit 15 represents a true and correct copy of pages 6 through 8 of the pages that were produced after the cover letter.

17. Attached as Exhibit 16 is the Order Denying Defendant's Motion to Dismiss for Failure to State a Claim for Public Nuisance filed in *Alvino Crawford, et al. v. Jimenez Arms, Inc., et al.*, No. 1916-CV17245 (Mo. Cir. Ct. Feb. 3, 2020). I have reason to believe that Exhibit 16 is a true and correct copy of the court's order because I am counsel by *pro hac vice* in that case and my co-counsel emailed me the order on February 4, 2020.

18. Attached as Exhibit 17 is the Order Denying Defendant's Motion to Dismiss for Lack of Personal Jurisdiction filed in *Alvino Crawford, et al. v. Jimenez Arms, Inc., et al.*, No. 1916-CV17245 (Mo. Cir. Ct. Feb. 3, 2020). I have reason to believe that Exhibit 17 is a true and correct copy of the court's order because I am counsel appearing by *pro hac vice* in that case and my co-counsel emailed me the order on February 4, 2020.

19. Attached as Exhibit 18 is the Petition for Damages and Injunctive Relief filed in *City of Kansas City, Missouri v. Jimenez Arms, Inc., et al.*, No. 2016-CV00829 (Mo. Cir. Ct. Jan. 7, 2020). I have reason to believe that Exhibit 18 is a true and correct copy of the Petition for

Damages and Injunctive Relief because I am counsel appearing by *pro hac vice* in that case and I personally worked on drafting that document.

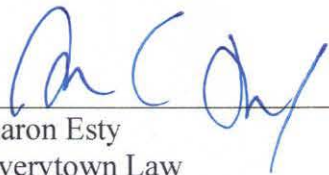
20. Attached as Exhibit 19 is a true and correct copy of the Declaration of Eric Tirschwell, Managing Director of Litigation and National Enforcement Policy at Everytown Law. This exhibit is referred to as "Tirschwell Decl." in Plaintiffs' summary judgment filings.

21. Attached as Exhibit 20 is a true and correct copy of the Declaration of Ramiro Montes, Acting Master Sergeant in the Illinois State Police. This exhibit is referred to as "Montes Decl." in Plaintiffs' summary judgement filings.

22. Attached as Exhibit 21 is a true and correct copy of the Declaration of Dr. Marvia Jones, Division Manager, Community and Family Health Education Division, in the Kansas City, Missouri, Health Department. This exhibit is referred to as "Jones Decl." in Plaintiffs' summary judgement filings.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in New York, NY on this 12 day of August 2021.



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